

CRIMINAL PROCEEDINGS/Sentencing

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Judge Edward J. Lodge

Date: October 25, 2004

Case No. Cr. 04-046-S

Deputy Clerk: Carol Vaughn

Reporter: Lisa Yant

UNITED STATES OF AMERICA vs. Juan Delgado-Delgado

Counsel for United States: Lynne Lamprecht

Defendant: Doreen Guenther

Probation Officer: Mike Cruser

Interpreter: Mercedes Lupercio

On July 6, 2004, the defendant entered pleas of guilty to Counts 1 and 2 of the Superseding Information charging unlawful user of a controlled substance in possession of a firearm and criminal forfeiture. The pleas were pursuant to a written Plea Agreement.

The United States and the defendant filed clarification objections to the presentence report. The Court has had the opportunity to consider the remarks and responses to those objections, along with the comments expressed in court today; and, except as modified here today, felt the responses to those objections as contained in the addendum to the presentence report adequately addressed the concerns and objections of the United States and the defendant and adopted the presentence report and the addendum thereto.

Defendant committed to the custody of the Bureau of Prisons for a term of **18 months** on Count 1. Defendant to forfeit all firearms and ammunition to the government on Count 2. Order of Forfeiture signed in open court.

Upon release from custody, defendant to be placed on Supervised Release for a term of **3 years** on Count 1.

Standard conditions of Supervised Release plus: Defendant to comply with all rules and regulations of the Probation Department. Defendant shall not commit another federal, state, or local crime, defendant shall not possess a firearm or other dangerous weapon.

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The defendant shall participate in a program of drug/alcohol aftercare, which may include urine testing in accordance with 18 USC 3583(d), as directed by the probation officer. Cost of the treatment and testing to be paid by the defendant and the government based upon the defendant's ability to pay.

The defendant shall comply with the rules and regulations of the Immigration and Customs Enforcement, and if deported either voluntarily or involuntarily, shall not return to the United States without permission of the Secretary of the Department of Homeland Security.

Within 72 hours of release from any custody or re-entry into the United States during the term of Court ordered supervision, the defendant shall report in person to the probation office in the district to which the defendant was released or allowed to re-enter.

The defendant shall submit to a search of his home, vehicle, and/or person upon demand of the probation officer, without necessity of a warrant and submit to seizure of any contraband found therein.

No fine, inability to pay. The defendant shall perform 40 hours of community service at the direction of the probation officer in lieu of a fine.

Special Assessment of \$100.00 imposed. Due immediately.

Right to appeal explained.

Indictment dismissed on motion of the United States.

Defendant remanded back to the custody of the U.S. Marshal.

Time: 3:00 - 3:30pm
Boise